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HONOLULU, H. T., FRIDAY, OCTOBER 31, 1902—SEMI-WEEKLY.

WHOLE No. 2431.

DEATH CAME IN FLAMES

MRS. FRIEL AND DAUGHTER BURNED.

(From Thursday's daily.)

BELIEVED TO BE BURNED TO DEATH.

MRS. E. B. FRIEL.

ETTA FRIEL, her daughter, 15 years of age.

INJURED.

MRS. NIGEL FRIEL JACKSON. Badly burned about the face and body, and may die. Supposed to have breathed smoke and flames.

GEORGIA FRIEL, 10-year old daughter. Leg injured by jumping from second story window to ground.

SAVED.

EDWARD B. FRIEL.

GEORGIA FRIEL.

ANNA VOELLER.

MR. and MRS. E. B. WATSON.

LEON TOBRINER.

Two persons burned to death, one frightfully burned and others injured are the total of disasters in the fire which burned the residence of E. B. Friel, Nuuanu avenue, between Bates and Judd streets shortly after 2 o'clock this morning.

It is believed that Mrs. E. B. Friel and her daughter, Etta, 15 years of age, were burned to death in the house. No trace of them was found after all the other occupants of the residence had been saved.

That Mrs. Friel and her daughter lost their lives in the house was believed at the hour of writing—3 a. m.—to be confirmed. Both appeared at the window from which the daughter, Georgia, jumped into the arms of a police officer, and were told to jump, but they disappeared from the window. The house was a mass of flames at the time and it is accepted as a fact that they perished.

Mrs. Nigel Jackson's injuries are serious and may prove fatal. She was badly burned about the face and was removed from the building in a state of collapse due from breathing the dense smoke and probably flames. She was taken across the street to the Sorenson home where physicians cared for her.

Georgia Friel's injuries are not serious, the fall having been broken by the police officer.

DETAILS OF THE FIRE.

At 2:10 a. m. mounted officer McCormick was passing down Nuuanu street and saw the fire which then had good headway. He immediately fired his revolver in the air and galloped to box 73, corner of Nuuanu and Pauoa road, returning to the house. He went through it arousing the sleeping inmates and told them to get out of the house. Leon Tobriner and Mr. and Mrs. Watson, boarders, were able to get out themselves, the Watsons saying the valuables in their rooms. The officer thought he had aroused everybody and helped the inmates to get their things out, believing that the department would get there too late to save the building.

The officer then went around to one side of the house and then saw three people at the upper mauka window. He yelled to them to jump, noticing the onset of flames to the rear of them. One of the three, a girl, essayed the jump, the officer catching her, although she went to the ground, striking her right knee violently. When McCormick looked up again the other two had left the window. He went to the rear of the house but did not see them leave the

BOYD ARRESTED ON CHARGE OF EMBEZZLING LARGE CHECK

COUNTY BILL IS FRAMED

First drafts of the county bill, which will be reported by the commission provided for by the Republican convention, have been prepared and are now ready for the consideration of the committee which will meet at once to take up the work of filling in the measures. The work will be rushed along so that the bill may be considered by the people before being presented to the legislature, and a consensus of public opinion obtained.

The drafts provide for the bare machinery of the county government and they are so framed that the acquaintance of the members of the commission with local conditions will enable them to make the details fitting for the various peculiar conditions of the islands. The laws are said to be the most approved found in recent similar legislation in the United States.

As soon as the commission has completed the work on the county bill its secretary will have ready for submission the municipal bill, which it is expected will be taken up within the coming month. The commission will frame this bill so that it will apply to the communities of the islands, furnishing machinery for the larger cities and the smaller towns alike. Both bills will be ready for submission to the legislature as soon as it meets.

TO PATAGONIA FOR A RICH MINE

CHICAGO, October 22.—Four men have left Chicago for the purpose of making an all-water trip to the coast of Patagonia, where they expect to locate a gold mine of fabulous richness. The men are Charles Corrigan, a Texan; Captain Emory Busse, who for twenty-five years has been a lake navigator, and two sailors who have sailed with Captain Busse for a long time. The trip to Patagonia is being made in a sailing vessel called the Mercury. The vessel is forty feet long, and it is estimated that it will require nine months to make the voyage. The schooner is now in the Illinois and Michigan canal, to which it made its way by passing down the drainage canal from this city. Corrigan is the only man of the four who has any knowledge of the mine, which is said to be in the interior of Patagonia, and to which the natives, it is said, have heretofore prevented all white men from gaining access.

building. These were supposed to be Mrs. Friel and Etta. Neighbors say they heard screams as they rushed toward the burning structure, emanating apparently from an upper window.

Mrs. Jackson escaped, only after passing through flames. Mr. Friel escaped without injury, but the belief that his wife and daughter had perished in the flames almost crazed him, and he was unable to give a coherent statement of the manner in which the inmates made their way out.

Mr. and Mrs. Friel occupied one room, Mrs. Jackson and Etta another, while Georgia and Anna occupied a third, all of them upstairs.

The fire proceeded from the rear of the house, burning the kitchen and enveloping the lower hallway and stairway in flames. It spread rapidly toward the front and the wind from the Fall fanned it. The house is a wooden structure and burned like paper. Mr. Friel states that "last night," evidently meaning Tuesday night, an attempt was made to burn the house, but he discovered it and the plot was frustrated. He says that threats have been made to burn the house and threats of killing all who resided in it and knows the party who made them. The threats were made to him personally.

LATER—3:15 A. M. The fire is about out and nothing has been heard of Mrs. Friel and daughter Etta. The building is so thoroughly burned and gutted that no search can yet be made for them. Mrs. Jackson is learned, ran to an upper story window, after having been safely out of the house, to get some more valuables. The flames began to eat away the stairway and she was forced to jump out of the mauka window, badly burned about the head and neck, and undoubtedly inhaled the flames. About this time it was that Mrs. Friel and Etta left the window, having refused to jump.

Dr. J. S. B. Pratt, who is attending Mrs. Jackson, would not give any opinion as to the probable outcome of the burns.

Mrs. Friel was a Miss Cornwell, sister of Col. W. H. Cornwell, Mrs. Mary Wilkison and Mrs. Vida. Mr. and Mrs. Friel's son is a passenger on one of the Inter-island steamers and sailed for Kauai on Tuesday.

Does Not Make Restitution as in Other Two Cases But Pro- poses to Fight.

Police Prevent Him From Taking Possession of the Public Works Office But He Issues a Defiant By Authority Notice.

(From Thursday's daily.)

James H. Boyd was forcibly prevented from entering the office of the Department of Public Works yesterday morning, following which Governor Dole served notice upon him of suspension. In the afternoon Mr. Boyd was arrested upon a charge of embezzling \$1,650 from the government, and was released upon giving bond in the sum of \$3,000.

At 3 o'clock a conference was held in the executive office between Governor Dole, Secretary Cooper and prominent residents of Honolulu who had been called into consultation, and the entire situation was thoroughly canvassed. While no official statement was given out, the matter of an appointment of a treasurer was talked of and a man to succeed W. H. Wright will probably be named within a short time. In the other offices of auditor and superintendent of public works there are no actual vacancies, the suspension of an official not having that effect.

The attorneys for James H. Boyd are now preparing a petition for a writ of mandamus, but it will hardly be presented in court this week.

BOYD IS DEFIANT.

The opening chapter in yesterday's proceedings was the forwarding to the Governor of a defiant refusal to resign as requested. This was couched in the following language:

Department of Public Works.
Honolulu, T. H., Oct. 28th, 1902.
Honorable S. B. Dole, Governor of the Territory of Hawaii, Honolulu, T. H.
Sir:—As any discussion of the subject matter of your letter of even date in regard to the conduct of the office of Superintendent of Public Works by me can serve no useful purpose, I desire merely to acknowledge receipt of your said letter and to inform you that I will immediately resume the performance of my duties as Superintendent of Public Works.

Very respectfully,

JAS. H. BOYD,
Supt. of Public Works.

ATTEMPTS TO ENTER OFFICE BY FORCE.

Following this Mr. Boyd tried to effect a forcible entry into his old office, but his way was barred by a stalwart policeman. Two attempts were made by Boyd, the first early in the morning, probably at his own instance, but acting upon a general letter of instruction from Humphreys, and later in the presence of his attorneys, in order that he might have legal proof of the resistance. Both attempts were rather in the nature of opera bouffe and the battle for possession of the office was more ludicrous than otherwise.

When Mr. Boyd entered the Capitol building yesterday morning at 8:30 o'clock he was met at the King street entrance by Officer Elvin, who has been guarding the auditor's office for weeks past.

"I have orders not to let you go into the Public Works office," said the policeman, as both walked toward the office door.

"I am going into my office," was Boyd's reply.

The officer attempted to stand in front of the office door, when the bulky superintendent made a sudden lurch and grabbed Elvin, pushing him to one side. The men grappled for a few moments and Boyd quit and walked away, saying as he went to Elvin "No hard feelings."

THE SECOND ATTEMPT.

The second encounter, while more prolonged, partook even more of the comic opera style. Boyd entered the building a little before 10 o'clock, accompanied by P. E. Thompson, one of his attorneys. Two officers, Mulleitter and Neilson, had been placed on guard about an hour previously, and barred Boyd's entrance to the office doors. The superintendent paid no attention to Mulleitter's order that he could not enter, and attempted to push his way past. Both policemen grabbed Boyd and a violent struggle followed over the marble, all the actors, however, retaining the upright position. Mr. Boyd was finally forced against a plush upholstered chair, with his shoulders resting on the marble topped table in back. Then Mr. Boyd freed himself and asked breathlessly of Attorney Thompson: "Are you satisfied?"

"Yes, that's all right," was the reply, and Mr. Boyd and Thompson left the building together.

HUMPHREYS' ADVICE.

Boyd, in his attempts to take forcible possession of his office, was acting upon the advice of ex-Judge Humphreys. The letter of advice is another contribution to the humorous phase of the situation, in the light of subsequent events, wherein Boyd was expelled, instead of being the man to do the expelling. This letter of advice was as follows:

Honolulu, Oct. 28, 1902.

James H. Boyd, Honolulu.
Dear Sir:—Referring to our conversation just closed in regard to your title to the office of Superintendent of Public Works, and your right to take possession of such office and to discharge all of the duties pertaining thereto, we have to advise you that both your title to the office and your right to perform the duties mentioned, are clear.

We further advise you that, as a public officer, it is your duty to regard your engagements with the people of this Territory, arising out of your said office, as a personal trust of a solemn, responsible and impressive character, and that you should personally execute, do and perform the duties of your said office, and not permit the functions of the same to be usurped by any person whomsoever. It is your legal right, and we believe it to be your duty, and so advise you, that you should forcibly expel from your office any, every and all persons who may interfere with you, or in anywise attempt to interfere with you, in the discharge of your duties as Superintendent of Public Works, and to immediately discharge all any every employee or employees of said office who may refuse to execute your orders and directions, or who may directly or indirectly assume such a position as to detract from your title to the office, or which may impede or obstruct you in the due administration of your said office.

We have said that you have the right to forcibly expel from your office any person who may interfere with you in the due execution of your duties as Superintendent of Public Works; to make this more precise, we will add that this advice is given particularly with reference to one H. E. Cooper, who is now unlawfully assuming to discharge the duties of your station, by giving orders and directions to the employees of your office, by publishing notices over his subscription, and by subscribing himself Superintendent of Public Works and otherwise exercising a general superintendence and control over the affairs of said office. If Mr. Cooper should enter your office and attempt to give any direction, order or command to any of the employees of the office, you should request him to leave at once; should he decline to do so, it will then be your right and duty to expel him, as you would any other person under similar circumstances, using as much force as may be necessary to effectuate the expulsion.

This advice is given you after a careful examination and consideration of the premises, and you may safely act upon it. Very truly yours,

HUMPHREYS, THOMPSON &
WATSON.

ATTACKS ACTS OF COOPER. During the day Mr. Boyd assumed to take charge of his department by publication of a "By Authority" notice, which is as follows:

DEPARTMENT OF PUBLIC WORKS. BY AUTHORITY.

Public notice is hereby given that the undersigned Superintendent of Public Works, has returned to the city of Honolulu and resumed his duties as such; that all any every act of any person whomsoever assuming or pretending to act as Superintendent of Public Works, to which office I was duly appointed on May 23rd, A. D. 1901, by the Governor, by and with the advice and consent of the Senate of the Territory of Hawaii, at any time since said date, is wholly null, void and of no effect whatever, and will be so regarded, held and treated by me.

JAS. H. BOYD,

Superintendent of Public Works.
Honolulu, Oct. 29, 1902.

Boyd's notice is not clear as to his intention, whether he means that the acts of anyone as superintendent of Public Works since his return are illegal and void, or whether he includes

WILL STAY AND PLAY THE BOSS

"Robert will go to Washington and look after the business there, and I will stay at home and run the legislature."

This characteristic expression was made yesterday by Mrs. R. W. Wilcox, in answer to a question as to whether or not she would go to Washington this winter if the Home Rule delegate should win. She seemed to be absolutely certain of her ground, and would not permit her questioners to insinuate that she might be mistaken in her premises.

When later she was asked if she had any plans as to what the legislature would be told to do by her, she laughed, but would not discuss her plans for the future government of the Territory.

The acts of everyone since May 23, 1901, the date of his confirmation by the senate, does not appear. If he means the former he has only reference to Secretary Cooper, whose acts he had already sanctioned by his acquiescence in the action of the Governor in requesting him not to interfere with Mr. Cooper. If, on the other hand, he refers to the date of his appointment, all the acts of Treasurer Wright, who held Boyd's power of attorney, will be called into question, as well as of Marston Campbell, who was in charge of the office upon a number of occasions during Boyd's absence from Honolulu.

There is considerable difference of opinion as to Boyd's exact status, one attorney expressing the opinion yesterday that if Boyd is superintendent of Public Works he still remains such, whether he is in actual possession of the office or not. This view being correct, Boyd could establish offices where he pleased and transact the business of his department, if he has a legal right so to do.

DOLE SUSPENDS BOYD.

Governor Dole sent the following notice of suspension to Mr. Boyd on receipt of his communication:

Honolulu, T. H., Oct. 29, 1902.

Mr. James H. Boyd, Superintendent of Public Works, Honolulu, T. H.
Sir:—Your letter of October 28th, in reply to mine of the same date, asking for your resignation of the office of Superintendent of Public Works, in which you express the intention of resuming the duties of such position, has been received.

For the reasons set forth in my said letter and in view of your expressed intentions of resuming the function of Superintendent of Public Works, I hereby by virtue of the authority in me vested by law, more particularly by Sections 67 and 68 of the Organic Act, suspend you from such office.

Very respectfully,
SANFORD B. DOLE.

The sections of the organic act quoted by the executive in his letter are as follows:

"Sec. 67. That the governor shall be responsible for the faithful execution of the laws of the United States and of the Territory of Hawaii within the said Territory, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the Territory of Hawaii, or summon the posse comitatus, or call out the militia of the Territory to prevent or suppress lawless violence, invasion, insurrection, or in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the Territory, or any part thereof, under martial law until communication can be had with the President and his decision thereon made known."

"Sec. 68. That all the powers and duties, which by the laws of Hawaii, are conferred upon or required of the President or any minister of the Republic of Hawaii (acting alone or in connection with any other officer or person or body) or the cabinet or executive council, and not inconsistent with the constitution or laws of the United States, are conferred upon and required of the Governor of the Territory of Hawaii, unless otherwise provided."

In the Austin case it has been contended, as will be done in the Boyd matter, that the Organic Act provides for the appointment and removal of these officers only "with the advice and consent of the senate." On the other hand, it is claimed that the session laws of 1897 gave the President the right of removal with the consent of three cabinet officers, and the Organic Act conferred these powers on the governor. It seems to be the impression that if the Organic Act did not permit the removal or suspension of a public official guilty of malfeasance in office, there should be an amendment, for, taking the strict construction of the law, even Treasurer Wright, who confessed to the theft of \$18,000, could not be removed and might have continued

KILLED IN THE NIGHT

Japanese Boy Is Shot by an Unknown.

Sleeping complacently beside her nine-year-old boy, believing that he was slumbering, a Japanese mother yesterday morning at daylight arose to discover that the little fellow had been murdered. Iso, the son of Japanese residents of Iwilei, was shot by a cowardly intruder into the little room of the Japanese family, and no one yet knows his identity.

A coroner's jury held an inquest over the body yesterday afternoon in the High Sheriff's office, jurors Chas. Richardson, Richard Ivers, Walter Doyle, C. B. Gray, K. R. G. Wallace and Frank Lucas, hearing the testimony.

When the fire whistle sounded shortly after 2 o'clock yesterday morning, Takane heard it and left the bed in which himself, wife and little boy were sleeping, unlocked the door, leaving it ajar, and went to the Friel residence fire, not returning until about 7 o'clock when he first heard the news of the death of his boy. About 5:15 the wife was awakened by some one entering the room and looked up through the mosquito netting, and saw the form of a man. In the dim light afforded by a street light she saw something shining in his hand. She made an outcry and at the same instant heard the discharge of a revolver and saw the flash. She immediately cried out and the mad-disappeared quickly from the place. Japanese neighbors hurried to the scene but no one saw the disappearing form. One or two Japanese came in and as nothing unusual except the firing of the revolver had apparently taken place, all returned to their abodes.

The mother saw her boy evidently still slumbering and apparently not having been awakened by the report of the pistol. She crawled under the mosquito netting and went to sleep. When daylight came she saw the boy was still asleep and tried to awaken him. She noticed then that his body was stiff and for the first time saw blood on the pillow. Investigation showed that a bullet had entered his neck at the base of the skull and that he must have been killed instantly.

Dr. McDonald made a postmortem examination at the morgue and extracted a 28-calibre ball from near the frontal bone. No clew was developed as to the murderer, except that the mother said the form looked like that of a native. The jury returned a verdict of death by a bullet fired from a revolver discharged by an unknown person.

Late last evening Chester Doyle secured information that a native armed with a revolver visited three Japanese boarding houses on Wednesday night and attempted to hold up the proprietors and guests. In each case the intruder was chased off the premises and did not make use of the gun. The native is the same who visited each place and a description from each house given to Doyle fits a Hawaiian who is well known to David Kaapa and Garcia, the detectives, and both were at once sent out to scour the city for him.

Chester Doyle believes that this native is the one who visited the Japanese house in Iwilei and shot the boy Iso in the back of the neck killing him instantly. The size of the gun as described by the Japanese about fits a 28-calibre.

The police expect to have the man in custody by this forenoon.

FATAL FIRE IN WINDY CITY

CHICAGO, Oct. 22.—Five persons are known to be dead while seventeen are unaccounted for as a result of the fire which destroyed the plant of the Corn Products Company, West Taylor street and the river, last night. Four of those unaccounted for are thought to be alive, as three men were seen escaping down the water pipe during the progress of the fire and one was seen to jump into the river and it is supposed they will all be found at their homes.

The dead are: Otto Trapp, Edward Steinko, unidentified body. Two unidentified bodies, victims died this morning.

Frank Rothenberg, the foreman of the plant, who was reported dead last night, was not in the building at the time of the fire. The loss will be in the neighborhood of \$400,000, although the directors of the company today would not give out any estimate of the loss nor of the number of the victims until a complete investigation could be made. The building was fully insured.

Tanbara May Appeal.

Tanbara will be sentenced by Judge Eatee this morning at ten o'clock. Papers on appeal are now being prepared and it seems likely that the case will go to the United States Supreme Court. If an appeal is taken it will be directly to Washington. The case against the cook, Oto, will probably be dismissed today, as United States Attorney Breckons is unable to obtain sufficient evidence to justify holding him.

(Continued on Page 4)